

SENATE BILL REPORT

SB 6513

As Reported By Senate Committee On:
Labor, Commerce, Research & Development, January 21, 2008

Title: An act relating to identifying specific programs that are able to have access to criminal history record information.

Brief Description: Ensuring access to criminal justice information.

Sponsors: Senator Kohl-Welles; by request of Department of Labor & Industries, Department of Social and Health Services, Employment Security Department, Department of Licensing, Attorney General and Criminal Justice Training Commission.

Brief History:

Committee Activity: Labor, Commerce, Research & Development: 1/17/08, 1/21/08 [DP].

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Majority Report: Do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Hewitt, King, Murray and Prentice.

Staff: Mac Nicholson (786-7445)

Background: Programs within the Department of Labor and Industry (L&I), Department of Social and Health Services (DSHS), Department of Licensing (DOL), Employment Security Department (ESD), the Attorney General's Consumer Protection Division, and the Washington State Criminal Justice Training Commission (CJTC) currently have access to criminal history information, including non-conviction information, through the Washington State Patrol (WSP). The agencies typically access criminal history information during investigations of fraud or abuse claims arising from their respective programs.

WSP accesses the National Crime Information Center (NCIC), which is a computerized database of documented criminal justice information maintained by the Federal Bureau of Investigation (FBI), to get out-of-state and non-conviction information. The NCIC database is made available to law enforcement and other criminal justice agencies.

Recently, the FBI determined that the above referenced state agencies need to statutorily establish their investigation authority in order to retain access to the NCIC database through the WSP.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The stated intent of the legislation is to provide certain state agencies the authority to access criminal history information for certified criminal justice purposes. For L&I, DSHS, ESD, DOL, and the Office of the Attorney General (AGO), access is for fraud and abuse investigative purposes, and to maintain the safety of investigative staff. For the CJTC, accessing the information is necessary for any purpose associated with CJTC employment or peace offer certification.

An investigation unit is established within each of the following state agencies: L&I; DSHS; ESD; and DOL. The directors of the respective agencies are to employ qualified supervisory and investigative personnel for the program. The directors of the agencies, their designee, and/or their respective investigation units are authorized to receive criminal history record information that includes non-conviction data for purposes associated with the investigation of abuse or fraud in certain programs administered by the agency. L&I can access criminal history information only in the investigation of persons filing for or receiving workers' compensation benefits. ESD can access the information for any purpose associated with an investigation of abuse or fraud in the unemployment compensation program. DOL and DSHS can access the information for any purpose associated with an investigation conducted by the investigation unit established in the legislation.

Similarly, a unit is established within the AGO for the purpose of detection, investigation, and prosecution of any act prohibited under the Consumer Protection Act. The Attorney General is to employ qualified, supervisory, legal, and investigative personnel for the program. The Attorney General is authorized to receive criminal history record information, including non-conviction data, for any purpose associated with the investigation of any person violating the Consumer Protection Act.

CJTC is authorized to receive criminal history record information, including non-conviction data, for any purpose associated with CJTC employment or peace officer certification. For a national criminal history records check, fingerprints must be submitted to WSP. After a state criminal history search, WSP must forward the fingerprints to the FBI.

Dissemination or use of nonconviction data for unauthorized purposes is prohibited.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: During a recent audit, it was determined that several agencies lacked the statutory authority to obtain criminal history information. The bill addresses that issue by granting the needed statutory authority. Continued access to criminal history information is important for the safety of investigators and it saves employers money. The agencies have a history of using the criminal history information properly, the information isn't shared, and it is destroyed when the case is closed. This bill just preserves an existing tool, and is really a housekeeping matter.

Persons Testifying: PRO: Patty Jensen, Washington State Patrol; Carl Hammersburg, L&I; Nan Thomas, ESD.